

<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>		<b>ATTY. DOCKET NO.:</b> 39740-0009A		<b>SERIAL NO.:</b> 10/773,951			
		<b>APPLICANT :</b> David Agus et al.					
		<b>FILING DATE:</b> February 6, 2004		<b>GROUP:</b> <del>1645</del> 1636			
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
WS	US 2002/192652	12-19-2002	Danenberg, Kathleen	435	6		
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
WS	WO 02/47007	6-13-2002	PCT	G06F	19/00	<input type="checkbox"/>	<input type="checkbox"/>
WS	WO 02/24867	3-28-2002	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
WS	Arteaga, C., "The Epidermal Growth Factor Receptor: From Mutant Oncogene in Nonhuman Cancers to Therapeutic Target in Human Neoplasia", Journal of Clinical Oncology, Grune and Stratton, New York, NY US, Vol. 19, No. 18 pp 32S-40S, September 15, 2001						
WS	Cristillo, Anthony D., et al., "Identification of Novel Targets of Immunosuppressive agents by cDNA-based Microarray Analysis", The Journal of Biological Chemistry, Vol. 277, No. 6, pp 4465-4476, February 8, 2002						
WS	Godfrey, T. E., et al., "Quantitative mRNA Expression Analysis from Formalin-Fixed Paraffin-Embedded Tissues Using 5' Nuclease Quantitative Reverse Transcription-Polymerase Chain Reaction", The Journal of Molecular Diagnostics, pp 84-91, Vol. 2., No. 2, May 2000						
WS	Hinz, Michael, et al., "Nuclear Factor KappaB-dependent Gene Expression Profiling of Hodgkin's Disease Tumor Cells, Pathogenetic Significance and Link to Constitutive Signal Transducer and Activator of Transcription 5a Activity", The Journal of Experimental Medicine, Vol. 196. No. 5, pp 605-617, September 2, 2002.						
WS	Humphreys, R. C., et al., "Signal Transducer and Activator of Transcription 5a Influences Mammary Epithelial Cell Survival and Tumorigenesis", Cell Growth and Differentiation: The Molecular Biology Journal of the American Association for Cancer Research, Vol. 10, No. 10, pp 685-694, October 1999						
WS	Van't Veer, Laura J., et al., "Gene Expression Profiling Predicts Clinical Outcome of Breast Cancer", Nature, Vol. 415, No. 6871, pp 530-536, January 31, 2002						
EXAMINER		Walter Schlapkohl		DATE <del>2006-11-22</del> 2006-11-22 11:20:49 -05'00'			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



**CERTIFICATION**

*(Attachment to Information Disclosure Statement)*

- ☒ **37 C.F.R. §1.97(e)(1). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; or
- ☐ **37 C.F.R. §1.97(e)(2). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

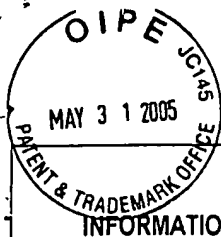
Dated:

February 11, 2005

By:

David C. Foster

David C. Foster (Reg. No. 44,685 )



Form PTO-1449

Attorney's Docket No.  
39740-0009A

Application Serial No.  
10/773,951

INFORMATION DISCLOSURE STATEMENT

Applicant(s)

David AGUS, et al.

(use several sheets if necessary)

Filing Date:  
February 6, 2004

Group Art Unit:  
~~1645~~ 1636

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
WS	1.	12/27/2002	WO 02/103320 ✓	Dai et al.	G01N			
	2.	06/07/2001	WO 01/40466	Baker et al.	C12N	15/12		
	3.	08/01/2002	WO 02/059377	Mack et al.	C12Q	1/68		
	4.	07/18/2002	WO 02/055988	Gish et al.	G01N			
	5.	09/27/2001	WO 01/70979	Lee et al.	C12N	15/12		
	6.	10/09/2003	WO 03/083096	Delaney et al.	C12N	9/12		
	7.	06/13/2002	WO 02/46467	Bertucci et al.	C12Q	1/68		
	8.	09/06/2002	WO 02/068579	Venter et al.	C12G			
	9.	01/21/1999	WO 99/02714	Billing-Medel et al.	C12N	15/63		
	10.	09/21/2000	WO 00/55173	Rosen et al.	C07H	21/04		
	11.	08/31/2000	WO 00/50595	Gout et al.	C12N	15/12		
	12.	01/03/2002	WO 02/00677 ✓	Birse et al.	C07H	21/02		
	13.	01/31/2002	WO 02/08261	Botstein et al.	C07K	14/00		
	14.	01/31/2002	WO 02/08260	Botstein et al.	C12N	15/52		
	15.	01/31/2002	WO 02/08282	Botstein et al.	C07K	14/47		
	16.	01/31/2002	WO 02/08765	Botstein et al.	G01N	33/574		
WS	17.	08/02/2001	WO 01/55320	Rosen et al.	C12N			

OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
WS	18.	Bhattacharjee et al., "Classification of human lung carcinomas by mRNA expression profiling reveals distinct adenocarcinoma subclasses", Proceedings of the National Academy of Sciences of USA, Vol. 98, No. 24, pp. 13790-13795, November 20, 2001.
	19.	Golub et al., "Molecular Classification of Cancer: Class Discovery and Class Prediction by Gene Expression Monitoring", Science, Vol. 286, pp. 531-537, October 15, 1999.
	20.	Martin et al., "Linking Gene Expression Patterns to Therapeutic Groups in Breast Cancer", Cancer Research, Vol. 60, pp. 2232-2238, April 15, 2000.
	21.	Ramaswamy et al., "Multiclass cancer diagnosis using tumor gene expression signatures", Proceedings of the National Academy of Sciences of USA, Vol. 98, No. 26, pp. 15149-15154, December 18, 2001.
	22.	Sorlie et al., "Gene Expression patterns of breast carcinomas distinguish tumor subclass with clinical implications", Proceedings of the National Academy of Sciences of USA, Vol. 98, No. 19, pp. 10869-10874, September 11, 2001.
WS	23.	West et al., "Predicting the clinical status of human breast cancer by using gene expression profiles", Proceedings of the National Academy of Sciences of USA, Vol. 98, No. 20, pp. 11462-11467, September 25, 2001.

EXAMINER:

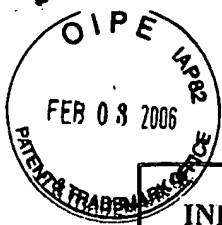
DATE CONSIDERED:

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\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).

Form PTO-1449  INFORMATION DISCLOSURE STATEMENT		Attorney's Docket No. 39740-0009A	Application Serial No. 10/773,951
		Applicant(s)  David AGUS, et al.	
(use several sheets if necessary)		Filing Date: February 6, 2004	Group Art Unit: 1 6 3 6 <del>1645</del>
WS	24.	Yan <i>et al.</i> , "Dissecting Complex Epigenetic Alterations in Breast Cancer Using CpG Island Microarrays", Cancer Research, Vol. 61, pp. 8375-7380, December 1, 2001.	
WS	25.	Yeang <i>et al.</i> , "Molecular Classification of Multiple Tumor Types", Bioinformatics, Vol. 17, Suppl. 1, pp. S316-S322 (2001)	

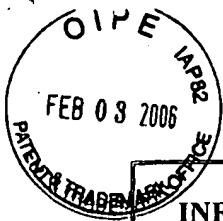
EXAMINER: Walter Schlapkohl	2006.11.22 11:22:08 -05'00'	DATE CONSIDERED:	
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.			
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SV 2125104 v1			



SHEET 1 OF 2

<b>INFORMATION DISCLOSURE STATEMENT</b>  PTO-1449			ATTY. DOCKET NO. 39740-0009A		SERIAL NO. 10/773,951	
			APPLICANT: David Agus et al.,			
			FILING DATE: 2/6/2004		GROUP: <del>1634</del> 1636	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
WS	2002/0004491	1/10/2002	Jiangchun Xu, et al.	514	44	
	2002/0039764	4/4/2002	Craig A. Rosen	435	69.1	
	2002/0160395	10/31/2002	Dario C. Altieri, et al.	435	6	
	2003/0198972	10/23/2003	Mark G Erlander, et al.	435	6	
	2003/0219771	11/27/2003	Michael Bevilacqua, et al.	435	6	
	2003/0229455	12/11/2003	Michael Bevilacqua, et al.	702	20	
	2004/0126775	7/1/2004	Dario C. Altieri, et al.	435	6	
	4,968,603	11/06/1990	Dennis J. Slamon, et al.	435	6	
	5,202,429	4/13/1993	Yoshihide Tsujimoto, et al.	536	23.5	
	5,670,325	9/23/1997	Stanley N. Lapidus, et al	435	6	
	5,741,650	4/21/1998	Stanley N. Lapidus, et al	435	6	
	5,830,665	11/3/1998	Anthony P. Shuber, et al	435	6	
	5,830,753	11/3/1998	Pierre Coulie, et al.	435	325	
	5,861,278	1/19/1999	Gordon W. Wong, et al.	435	69.1	
	5,928,870	7/27/1999	Stanley N. Lapidus, et al.	435	6	
	5,952,178	9/14/1999	Stanley N. Lapidus, et al.	435	6	
	5,962,312	10/5/1999	Gregory Plowman, et al.	435	320.1	
	6,020,137	2/1/2000	Stanley N. Lapidus, et al.	435	6	
	6,100,029	8/8/2000	Stanley N. Lapidus, et al.	435	6	
	6,143,529	11/7/2000	Stanley N. Lapidus, et al.	435	91.2	
	6,146,828	11/14/2000	Stanley N. Lapidus, et al.	435	6	
	6,171,798	1/9/2001	Arnold L Levine, et al.	435	6	
	6,207,401	3/27/2001	Gregory Plowman, et al.	435	15	
	6,245,523	6/12/2001	Dario C. Altieri	435	69.1	
WS	6,620,606	9/16/2003	Olga Bandman, et al.	435	219	
EXAMINER			DATE CONSIDERED			

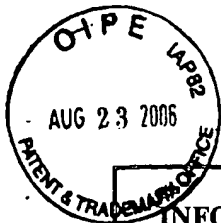
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SHEET 2 OF 2

<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>			ATTY. DOCKET NO. 39740-0009A		SERIAL NO. 10/773,951	
			APPLICANT: David Agus et al.,			
			FILING DATE: 2/6/2004		GROUP: <del>1634</del> 1636	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
WS	6,696,558	2/24/2004	John C. Reed, et al.	536	23.5	
↓	6,716,575	4/6/2004	Gregory Plowman, et al.	435	6	
	6,750,013	6/15/2004	Kurt C. Gish, et al.	435	6	
	6,203,993	3/20/2001	Anthony P. Shuber, et al.	435	6	
	6,214,558	4/10/2001	Anthony P. Shuber, et al.	435	6	
	6,248,535	6/19/2001	Danenberg Kathleen, et al	435	6	
↓	6,800,737	10/5/2004	Dario C. Altieri	530	386	
WS	6,943,150	9/13/2005	Dario C. Altieri	514	21	
EXAMINER Walter Schlapkohl			DATE CONSIDERED 2006-11-22 10:49:32 -05'00'			

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SHEET 1 OF 2

INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO.		SERIAL NO.		
PTO-1449		39740-0009		10/773,951		
		APPLICANT: David Agus				
		FILING DATE: 02/06/2004		GROUP: 1636		
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PUBLICATION NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
WS	2002/0009736	01/24/02	Wang	435	6	
↓	2003/0073112	04/17/03	Zhang et al.	435	6	
	2003/0104499	06/05/03	Pressman et al.	435	7.23	
	2003/0165952	09/04/03	Linnarsson et al.	435	6	
	2003/0180791	09/25/03	Chinnadurai	435	6	
	2003/0198970	10/23/03	Roberts	435	6	
	2004/0009489	01/15/04	Golub et al.	435	6	
WS	2004/0133352	07/08/04	Bevilacqua et al.	702	19	
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
WS	4,699,877	10/13/87	Cline et al.	435	6	
↓	5,015,568	05/14/91	Tsujimoto et al.	435	5	
	5,459,251	10/17/95	Tsujimoto et al.	536	23.5	
	RE 35491	04/08/97	Cline et al.	435	6	
	5,858,678	01/12/99	Chinnadurai	435	7.1	
	5,952,179	09/14/99	Chinnadurai	435	6	
	5,985,553	11/16/99	King et al.	435	6	
	6,207,452	03/27/01	Govindaswamy	435	330	
	6,271,002	08/07/01	Linsley et al.	435	91.1	
	6,322,986	11/27/01	Ross	435	6	
	6,414,134	07/02/02	Reed	536	24.5	
	6,582,919	06/24/03	Danenberg	435	6	
	6,602,670	08/05/03	Danenberg	435	6	
	WS	6,618,679	09/09/03	Loehrlein et al.	702	20
EXAMINER			DATE CONSIDERED			

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			APPLICANT: David Agus					
			FILING DATE: 02/06/2004		GROUP: 1636			
<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation YES NO	
WS ↓ ↓ ↓ ↓ ↓		05/04/88	EP 0 108 564 B1	Cline et al.			N/A	
		11/26/03	EP 1 365 034	Wirtz et al.			X	
		04/12/01	WO 01/25250	Slamon et al.			X	
		01/24/02	WO 2002/006526	Slamon et al.			X	
		07/03/02	WO 02/17852	Warrel et al.			X	
WS		02/13/03	WO 03/011897	Singer et al.			X	
<b>OTHER DOCUMENTS</b> (including author, title, date, pertinent pages, etc.)								
Examiner Initials	Ref. No.	Title						
WS		Brabender, Jan, et al.; <i>Epidermal Growth Factor Receptor and HER2-neu mRNA Expression in Non-Small Cell Lung Cancer Is Correlated with Survival</i> , Clinical Cancer Research; Vol. 7, July 2001; pgs. 1850-1855.						
WS		Ding, Chunming, et al.; <i>A high-throughput gene expression analysis technique using competitive PCR and matrix-assisted laser desorption ionization time-of-flight MS</i> , PNAS, Vol. 100:6; March 18, 2003; pgs. 3059-3064.						
WS		Cambridge Healthtech Institute. Conference Agenda; "ENABLING MOLECULAR PROFILING WITH CELLULAR RESOLUTION: Microgenomics Using Homogeneous Cell Samples"; Dec. 2002; 5 pgs.						
WS		Yang, Li, et al.; <i>BADGE, BeadsArray for the Detection of Gene Expression, a High-Throughput Diagnostic Bioassay</i> ; Genome Research; Vol. 11; 2001; pgs. 1888-1898.						
EXAMINER		Walter Schlapkohl			DATE CONSIDERED 2006-11-22 11:18:06 -05'00'			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.